APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,132	10/20/2000	Adnanus Henricus Nicolaas Roestenburg	583-1040	7838

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EXAMINER
DUONG, THOMAS

ART UNIT	PAPER NUMBER
2143	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/693,132	Applicant(s) ROESTENBURG ET AL.
	Examiner Thomas Duong	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33 and 45-67</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33 and 45-67</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the amendment filed on March 8, 2004 (Paper No. 5).

The amendment filed on March 8, 2004 has been entered and made of record. *Claims*

1-33 and 45-67 are presented for further consideration and examination.

Response to Argument

2.   The Applicants' arguments and amendments filed on March 8, 2004 have been fully

considered, but they are not persuasive.

3.   With regard to *claims 1, 12, 23, 45, 55 and 65-67*, the Applicants point out that:

- *The Examiner argues that the Koeppel reference discloses the above features*

   and cites module 110 of sheet 1, figure 1 and col 6, lines 43-47 of Koeppel.

   Applicants believe this to be in error. Module 110 and the corresponding passage

   of the description represent the web server of the system described in Koeppel.

   This is analogous to the content providing server of the present invention and not

   to the data manipulation server which is disposed inline between the content

   providing server and the client equipment unit. The Examiner will see that

   Koeppel is consistent in describing that the web server determines the content to

   be served to the user (see for example col 5, lines 28-31 and 45-51). There is no

   disclosure in Koeppel whatsoever of a data manipulation server disposed in-line

   between the client equipment unit and the content providing server or of any of

   the corresponding features set out above.

However, the Examiner finds that the Applicants' arguments are not persuasive and

maintains that the Koeppel reference does disclose,

Koeppel (US006477575B1) teaches,

- *a data manipulation server (web server 110) for disposing in-line between the*

  client equipment unit and the content providing server (data store 130), (Koeppel,

  col.5, lines 59-65; col.6, lines 43-47; col.6, line 54 – col.7, line 3; module 110,

  fig.3; Koeppel teaches of a web server which includes analytical and middleware

  programs to perform automatic analysis on the content presented on web pages

  and dynamically adjust the content to serve to the client)

In summary, the Examiner maintains that Koeppel does disclose a web server 110,

which includes analytical and middleware programs to perform automatic analysis on

the content presented on web pages and dynamically adjust the content to serve to

the client for the purposes of achieving marketing or advertising goals. The data

stores 130 stores content and associated rules controlling how the content is to be

rendered. Koeppel states that the "data store 130 connects to web server 110"

which may suggests that the data store is at another location on the network.

Therefore, the Applicants still failed to clearly disclose the novelty of the invention

and identify specific limitation, which would define patentable distinction over prior

art.

4.   With regard to *claims 1, 12, 23, 45, 55 and 65-67*, the Applicants point out that:

- *Applicants further submit that there is no disclosure in Koeppel of a data*

  manipulation server being adapted to modify web-related data ... using a

  predetermined amount of data relating to the user ... or corresponding features.

  The references in Koeppel cited by the Examiner (col 1, lines 7-10; col 2, lines

41-49; and sheet 4, figure 5) simply do not disclose using a predetermined

amount of data.

However, the Examiner finds that the Applicants' arguments are not persuasive and

maintains that the Koeppel reference does disclose,

Koeppel (US006477575B1) teaches,

- *wherein the data manipulation server is adapted to modify web-related data*

   (adjust content) communicated between the client equipment unit and the

   content providing server using a predetermined amount of the data relating to the

   user (user identification data such as, user ID, domain type, location, and other

   general information associated with the user) in response to a request for

   obtaining the web content being transmitted from the client equipment unit.

   (Koeppel, col.1, lines 7-10; col.2, lines 41-49; col.3, lines 5-10; col.4, lines 7-12;

   col.13, lines 22-28; fig.5; modules S.630-640, fig.6; Koeppel teaches of a step

   that utilizes the collected data to determine what type of changes, if any, are

   needed to the content and altering the content accordingly)

In summary, the Examiner maintains that Koeppel does disclose a step that utilizes

the collected user information to determine what type of changes, if any, are needed

to the content and dynamically adjust the content before presenting to the client.

Therefore, the Applicants still failed to clearly disclose the novelty of the invention

and identify specific limitation, which would define patentable distinction over prior

art.

5.   With regard to *claims 9-10, 20-21, 31-32, 53-54 and 63-64*, the Applicants point out that:

- *For the above reasons, it is submitted that the Examiner's rejection is not*

   substantiated. Furthermore, in paragraph 8 of the detailed action, the Examiner

argues that the Koeppel reference discloses the use of dynamic data relating to

the user and cites col 4, lines 7-12, lines 32-38 and lines 39-45. Applicants also

believe this to be in error. The passage cited by the Examiner describes dynamic

delivery of content. This is a conventional feature of all web servers and does not

equate to the use of dynamic user data to personalize the content dynamically

delivered by web servers. (col 1, lines 7-10; col 2, lines 41-49; and sheet 4, figure

5) simply do not disclose using a predetermined amount of data.

However, the Examiner finds that the Applicants' arguments are not persuasive and

maintains that the Koeppel reference does disclose,

Koeppel (US006477575B1) teaches,

- *wherein the data relating to the user is dynamic data.* (Koeppel, col.3, lines 5-10;

   col.4, lines 7-12; col.13, lines 22-28; module S.540, fig.5; modules S.630-640,

   fig.6; Koeppel teaches of a step that utilizes the collected data to determine what

   type of changes, if any, are needed to the content and altering the content

   accordingly)

In summary, the Examiner maintains that Koeppel does disclose steps that utilize

collected data associated with the user to determine what type of changes, if any,

are needed to the content and dynamically adjust the content before presenting to

the client. Therefore, the Applicants still failed to clearly disclose the novelty of the

invention and identify specific limitation, which would define patentable distinction

over prior art.

6.   With regard to *claims 2-8, 11, 13-19, 22, 24-30, 33, 46-52 and 56-62*, they are rejected

at least by virtual of their dependency on the independent claims and by other reasons

set forth in the previous office action (Paper No.4). Accordingly, rejections for *claims 2-8, 11, 13-19, 22, 24-30, 33, 46-52 and 56-62* are presented as below:

Claim Rejections - 35 USC § 103

7.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8.   *Claims 1-33 and 45-67* are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppel (US006477575B1) and in view of Lambert et al. (US006038601A).

9.   With regard to *claims 1, 12, 23, 45, 55 and 65-67*, Koeppel reference discloses,

- *a data manipulation server (module 110) for disposing in-line between the client equipment unit and the content providing server, the data manipulation server being coupled to a data store arranged to store data relating to a user of the client equipment unit; wherein* (col.6, lines 43-47; sheet 1, fig.1)

- *the data manipulation server is adapted to modify web-related data communicated between the client equipment unit and the content providing server using a predetermined amount of the data relating to the user in response to a request for obtaining the web content being transmitted from the client equipment unit* (col.1, lines 7-10; col. 2, lines 41-49; sheet 4, fig.5)

However, Koeppel reference does not explicitly disclose,

- *a client equipment unit capable of communicating with a content providing server for providing web content;*

Lambert teaches,

- *a client equipment unit capable of communicating with a content providing server for providing web content;* (col.1, lines 52-54; col.5, lines 51-60; sheet 1, fig.1A; sheet 3, fig. 2; sheet 4, fig. 3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lambert reference with Koeppel reference to enable content providers a large amount of control over their own data and how it is presented. Content providers can supply their own graphics, advertising, ticker information, animation control, and content refresh parameters. Also, in order to gain new, or retain existing, customers, providers need to ensure they present products and services that potential consumers are interested in. Accordingly, the importance of target advertising and target content provision has become an important role in the way providers conduct business over the Internet.

10.   With regard to *claims 2-3, 13-14, 24-25, 46-47 and 56-57,* Koeppel and Lambert references disclose the invention substantially as claimed,

See *claims 1, 12, 23, 45 and 55* rejection as detailed above.

Furthermore, Koeppel and Lambert references disclose,

- *wherein the web related data is data relating to a protocol*

- *wherein the protocol is a Hyper Text Transfer Protocol (HTTP)* (Koeppel, col.1, lines 41-42; Lambert col.1, lines 17-20; col. 5, lines 20-26)

11.   With regard to *claims 4-5, 15-16, 26-27, 48-49 and 58-59,* Koeppel and Lambert references disclose the invention substantially as claimed,

See *claims 1, 12, 23, 45 and 55* rejection as detailed above.

Furthermore, Koeppel and Lambert references disclose,

- *wherein the web related data is the web content*

- *wherein the web content is Hyper Text Mark-up Language (HTML) data* (Koeppel, col.1, lines 43-49; Lambert col.9, lines 46-47)

12. With regard to *claims 6-8, 17-19, 28-30, 50-52 and 60-62*, Koeppel and Lambert references disclose the invention substantially as claimed,

See *claims 1, 12, 23, 45 and 55* rejection as detailed above.

Furthermore, Koeppel reference discloses,

- *wherein the data relating to the user is static data*

- *wherein the static data is obtained from the user* (Koeppel, col. 4, lines 32-38; col.7, lines 49-58)

- *wherein the static data is obtained from a content provider associated with the web content* (Koeppel, col. 4, lines 32-38; col.7, lines 49-58)

13. With regard to *claims 9-10, 20-21, 31-32, 53-54 and 63-64*, Koeppel and Lambert references disclose the invention substantially as claimed,

See *claims 1, 12, 23, 45 and 55* rejection as detailed above.

Furthermore, Koeppel reference discloses,

- *wherein the data relating to the user is dynamic data*

- *wherein the dynamic data is obtained from an access provider associated with supporting communications between the client equipment unit and the content providing server* (Koeppel, col.4, lines 7-12, lines 32-38, lines 39-45)

14. With regard to *claims 11, 22 and 33*, Koeppel and Lambert references disclose the invention substantially as claimed,

See *claims 1, 12, 23, 45 and 55* rejection as detailed above.

Furthermore, Lambert reference discloses,

- *wherein the data manipulation server is a proxy server* (Lambert, col. 5, lines 45-53; module 304 on sheet 3, fig.2, module 204 on sheet 4, fig.3)

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

May 13, 2004

DAVID WILEY
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